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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,501	10/27/2003	Satoshi Endo	2003_1550A	2015
513 7590 06/06/2007 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER BROWN, MICHAEL J	
			ART UNIT 2116	PAPER NUMBER
			MAIL DATE 06/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/693,501

Applicant(s)

ENDO, SATOSHI

Examiner

Michael J. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/27/03, 6/30/04, 7/20/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements (IDS) submitted on 10/27/03, 6/30/04, and 7/20/04 were filed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marko et al.(US Patent 6,993,316) in view of Baba(US PGPub 2002/0027508).

As to claim 1, Marko discloses a backup system, for use in a multi-source audio apparatus capable(receiver unit 500, see Fig. 5) of selectively reproducing sound from audio signals received from a plurality of sound sources including an analog tuner

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according to a user's instruction, for holding operation status information of the multi-source audio apparatus when operating power is shut off, the backup system comprising control means(system controller 508, see Fig. 5) for controlling operation of the multi-source audio apparatus(see column 5, lines 33-35), and operation status holding means(memory manager 510, see Fig. 5) for holding the operation status information of the multi-source audio apparatus(see column 5, lines 49-56). However, Marko fails to specifically disclose non-volatile memory means for storing the operation status information, power storage means for storing part of the operating power, operating power detection means for detecting whether or not the operating power is being supplied, and operation status information write means for selectively writing the operation status information into the non-volatile memory means depending on whether or not the operating power is being supplied.

Baba teaches a backup system comprising non-volatile memory means(rewritable memory 3, see Fig. 1) for storing the operation status information(see paragraph 0021, lines 6-8), power storage means(backup power source 1, see Fig. 1) for storing part of the operating power, operating power detection means(process monitoring task 4, see Fig. 3) for detecting whether or not the operating power is being supplied(see paragraph 0029, lines 1-3), and operation status information write means(power source information region 8, see Fig. 1) for selectively writing the operation status information into the non-volatile memory means depending on whether or not the operating power is being supplied(see paragraph 0027, lines 1-6). It would have been obvious to one of ordinary skill in the art at the time the invention was made

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to combine Baba's backup power system with Marko's receiver unit in order to create a dependable backup power system for the audio apparatus. The motivation to do so would have been to detect power failure and actuate a backup power source(see Baba Abstract, lines 3-5).

As to claim 2, Baba teaches the backup system wherein the operation status information includes first data to be written into the non-volatile memory means when the operating power is being supplied to the multi-source audio apparatus and second data to be written into the non-volatile memory means when the operating power to the multi-source audio apparatus is shut off(see paragraph 0021, lines 6-11).

As to claim 3, Baba teaches the backup system wherein, while operating power is supplied, the operation status information write means writes the first data into the non-volatile memory means using the operating power, and when the operating power is shut off, the operation status information write means writes the second data into the non-volatile memory means using power stored in the power storage means(see paragraph 0021, lines 6-11).

As to claim 4, Baba teaches the backup system wherein the operation status information write means writes any of the first data left unwritten to the non-volatile memory means at the time of shutoff of the operating power into the non-volatile memory means together with the second data(see paragraph 0021, lines 6-11).

As to claim 5, Baba teaches the backup system wherein the non-volatile memory means comprises an operation status information storage region for storing the operation status information(see paragraph 0027), and a program storage region for

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storing a program for correction processing executed in the event of an occurrence of a problem in preinstalled microcomputer software for controlling the multi-source audio apparatus(see paragraph 0027).

As to claim 6, Baba teaches the backup system wherein the first data is low in the frequency of change of its contents compared with the second data(see paragraph 0023).

As to claim 7, Baba teaches the backup system wherein the first data is large in size compared with the second data(see paragraph 0023).

As to claim 8, Baba teaches the backup system wherein the non-volatile memory means is an EEPROM(see paragraph 0021, lines 6-7).

As to claim 9, Marko discloses the backup system wherein information on preset station selection set by a user is also written into the non-volatile memory means when the operating power is shut off during operation of the analog tuner(see column 5, lines 16-24).

Conclusion

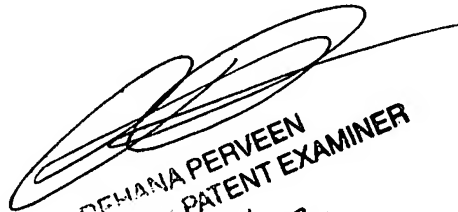
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Brown whose telephone number is (571)272-5932. The examiner can normally be reached Monday-Thursday from 7:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on (571)272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael J. Brown
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REMANA PERVEEN
SUPERVISORY PATENT EXAMINER
6/4/07